

### **REMARKS**

Initially, in the Office Action dated August 11, 2005, the Examiner has rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,164,831 (Kuchta et al.) in view of U.S. Patent No. 6,801,719 (Szajewski et al.).

By the present response, Applicant has amended claim 1 to further clarify the invention. Claims 1-20 remain pending in the present application.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal if necessary. Entry is thus requested.

#### **Response to Arguments**

In the "Response to Arguments" section of the Office Action on page 2, the Examiner maintains that Kuchta discloses a cut-off mode in Figure 3 reference characters 112, 116, 104 and 114. However, Figure 3 in Kuchta discloses a block diagram of a still video player for reproducing a picture or for making a hard copy print from the digital image signals stored in compressed format in the memory card (see column 7, lines 4-7). This is not an image signal transmitting/receiving apparatus or method that includes checking whether a cut-off mode has been set for the main image signal, as recited in the claims of the present application. Kuchta

does not disclose or suggest anything related to a mode, or specifically a cut-off mode that determines that a sub-image signal instead of the main image signal is transmitted and displayed during a telephonic communication. Kuchta merely discloses that “[w]hen a thumbnail image is to be observed, the selector routes the thumbnail data . . . to a conventional CRT monitor”, (see, col. 7, lines 27-30). Kuchta provides no disclosure as to how or when it is determined that a thumbnail image is to be observed.

35 U.S.C. §103 Rejections

Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Kuchta et al. (hereinafter “Kuchta”) in view of Szajewski et al. (hereinafter “Szajewski”). The deficiencies of Kuchta was discussed in Applicant’s previously-filed response, and Applicant reasserts all arguments submitted in that response. Applicant respectfully traverses these rejections and provides the following additional remarks.

Szajewski discloses a camera using beam splitter with micro-lens image amplification that includes an imaging system that has a taken lens unit adapted to focus light from a scene, and a beam splitter receiving light from the scene with a portion of the received light traveling from the beam splitter to a first imaging surface and a portion of the received light traveling from the beam splitter to a second imaging surface. A first image capture system is provided for capturing an image based upon the light traveling to the first imaging surface, and a second image capture system is provided for capturing a second image based upon the image formed at the second imaging surface. The first image capture system forms an image based upon the light

concentrated onto concentrated image areas of the first imaging surface.

Regarding claims 1, 7, 10 and 13, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest, or render obvious the limitations in the combination of each of these claims of, *inter alia*, checking whether a cut-off mode has been set for the main image signal, or transmitting and displaying, during a telephonic communication, a sub-image signal instead of the main image signal in case that the cut-off mode is set, or an image signal selector for a selectively outputting, during a telephonic communication, a sub-image signal instead of the main image signal to the image signal processor or the display unit in case that the cut-off mode has been set. The Examiner asserts that Kuchta discloses checking whether a cut-off mode has been set for the main image signal in column 7, lines 4-58, selection routine 112, and selector 104. However, as noted previously, these portions of Kuchta merely disclose a block diagram of a still video player for reproducing a picture or for making a hard copy print from digital image signals, that the selector 104 is under control of an operator-designated selection routine 112, such that when a thumbnail image is to be observed, the selector routes the thumbnail to a monitor 116, and the advantages of the file format shown in Figures 2A and 2B where an image, with its associated thumbnail representation, can be easily separated and transmitted to external devices for further processing. The selection routine 112 in Kuchta is not a cut-off mode, as recited in the claims of the present application. Further, this is not checking whether a cut-off mode has been set for a main image signal, as recited in the claims of the present application. Kuchta merely relates to storing an image with its associated

thumbnail representation to allow easy separation of the image from a collection of images on a memory card.

The Examiner admits that Kuchta does not disclose or suggest transmitting and displaying during telephonic communication, but asserts that Szajewski discloses these limitations with reference character 46 in Figure 1 and column 10, lines 6-52. However, reference character 46 in Kuchta is merely a communication module that provides a means to transmit an image and any other digital data from the imaging system through a network to a host computer or other device such as a PDA, telephone or television. These portions of Szajewski merely relate to a communication module that provides a means that allows communication between the imaging system and a host computer or other device. This is not transmitting and displaying during a telephonic communication, a sub-image signal instead of a main image signal in case that a cut-off mode is set, as recited in the claims of the present application. Szajewski does not disclose or suggest anything related to a telephonic communication. Szajewski merely discloses that digital data may be transmitted from the imaging system using a communication module through a network to another device such as a telephone.

Regarding claims 2-6, 8, 9, 11, 12 and 14-20, Applicant submits that these claims are dependent on one of independent claims 1, 7, 10 and 13 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims. For example, Applicant submits that none of the cited references disclose or suggest where the sub-image

signal is a signal stored in a predetermined storing area, or where the sub-image signal is a signal imputed by a user, or where the cut-off mode is set during telephonic communication.

Accordingly, Applicant submits that none of the cited references, taken alone or in any proper combination, disclose, suggest, or render obvious the limitations in the combination of each of claims 1-20 of the present application. Applicant respectfully request that these rejections be withdrawn and that these claims be allowed.

### **Conclusion**

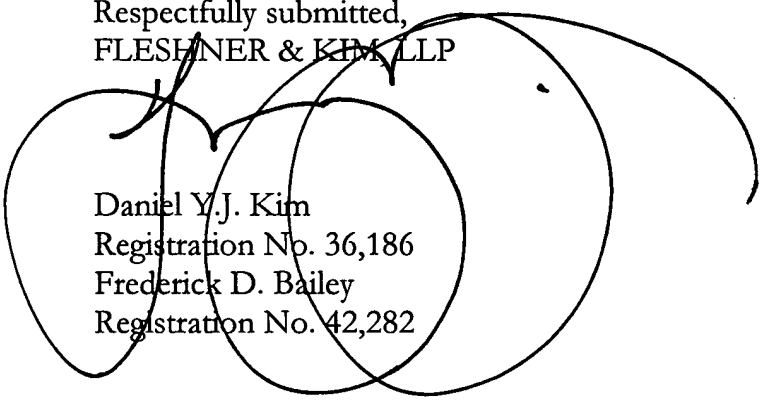
In view of the foregoing amendments and remarks, Applicant submits that claims 1-20 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **Fredrick D. Bailey**, at the telephone number listed below.

Serial No. 09/917,722  
Reply to Office Action of August 11, 2005

Docket No. P-0247

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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**Date: November 10, 2005**

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